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106TH CONGRESS
2^D SESSION

H. R. 4504

[Report No. 106-665]

To make technical amendments to the Higher Education Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2000

Mr. McKEON (for himself, Mr. GOODLING, Mr. CLAY, and Mr. MARTINEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

JUNE 12, 2000

Additional sponsor: Mr. SOUDER

JUNE 12, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 19, 2000]

A BILL

To make technical amendments to the Higher Education Act of 1965.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCE; EFFECTIVE DATE.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Higher Education Technical Amendments of 2000”.*

4 (b) *REFERENCE.*—*Except as otherwise expressly pro-*
 5 *vided in this Act, whenever in this Act an amendment or*
 6 *repeal is expressed in terms of an amendment to, or repeal*
 7 *of, a section or other provision, the reference shall be consid-*
 8 *ered to be made to a section or other provision of the Higher*
 9 *Education Act of 1965 (20 U.S.C. 1001 et seq.).*

10 (c) *EFFECTIVE DATE.*—*Except as otherwise provided*
 11 *in this Act, the amendments made by this Act shall take*
 12 *effect as if enacted as part of the Higher Education Amend-*
 13 *ments of 1998 (Public Law 105–244).*

14 **SEC. 2. TECHNICAL AMENDMENTS.**

15 (a) *AMENDMENTS TO TITLE I.*—

16 (1) *Section 101(a)(1) (20 U.S.C. 1001(a)(1)) is*
 17 *amended by inserting before the semicolon at the end*
 18 *the following: “, or students who meet the require-*
 19 *ments of section 484(d)(3)”.*

20 (2) *Section 102(a)(2)(A) (20 U.S.C.*
 21 *1002(a)(2)(A)) is amended to read as follows:*

22 “(A) *IN GENERAL.*—*For the purpose of*
 23 *qualifying as an institution under paragraph*
 24 *(1)(C), the Secretary shall establish criteria by*
 25 *regulation for the approval of institutions out-*
 26 *side the United States and for the determination*

1 *that such institutions are comparable to an in-*
2 *stitution of higher education as defined in sec-*
3 *tion 101 (except that a graduate medical school,*
4 *or a veterinary school, located outside the United*
5 *States shall not be required to meet the require-*
6 *ments of section 101(a)(4)). Such criteria shall*
7 *include a requirement that a student attending*
8 *such school outside the United States is ineligible*
9 *for loans made, insured, or guaranteed under*
10 *part B unless—*

11 *“(i) in the case of a graduate medical*
12 *school located outside the United States—*

13 *“(I)(aa) at least 60 percent of*
14 *those enrolled in, and at least 60 per-*
15 *cent of the graduates of, the graduate*
16 *medical school outside the United*
17 *States were not persons described in*
18 *section 484(a)(5) in the year preceding*
19 *the year for which a student is seeking*
20 *a loan under part B of title IV; and*

21 *“(bb) at least 60 percent of the in-*
22 *dividuals who were students or grad-*
23 *uates of the graduate medical school*
24 *outside the United States (both nation-*
25 *als of the United States and others)*

1 *taking the examinations administered*
 2 *by the Educational Commission for*
 3 *Foreign Medical Graduates received a*
 4 *passing score in the year preceding the*
 5 *year for which a student is seeking a*
 6 *loan under part B of title IV; or*

7 *“(II) the institution has a clinical*
 8 *training program that was approved*
 9 *by a State as of January 1, 1992; or*

10 *“(ii) in the case of a veterinary school*
 11 *located outside the United States that does*
 12 *not meet the requirements of section*
 13 *101(a)(4)—*

14 *“(I) the institution was certified*
 15 *by the Secretary as eligible to partici-*
 16 *pate in the loan program under part B*
 17 *of title IV before October 1, 1999; and*

18 *“(II) the institution’s students*
 19 *complete their clinical training at an*
 20 *approved veterinary school located in*
 21 *the United States.”.*

22 (3) Section 102(a)(3)(A) (20 U.S.C.
 23 1002(a)(3)(A)) is amended by striking “section
 24 521(4)(C) of the Carl Perkins Vocational and Applied
 25 Technology Education Act” and inserting “section

1 *3(3)(C) of the Carl D. Perkins Vocational and Tech-*
 2 *nical Education Act of 1998”.*

3 *(4) Section 103(7) (20 U.S.C. 1003(7)) is*
 4 *amended to read as follows:*

5 *“(7) NEW BORROWER.—The term ‘new borrower’*
 6 *when used with respect to any date for any loan*
 7 *under any provision of—*

8 *“(A) part B or part D of title IV means an*
 9 *individual who on that date has no outstanding*
 10 *balance of principal or interest owing on any*
 11 *loan made, insured, or guaranteed under either*
 12 *such part; and*

13 *“(B) part E of title IV means an individual*
 14 *who on that date has no outstanding balance of*
 15 *principal or interest owing on any loan made*
 16 *under such part.”.*

17 *(5) Section 131(a)(3)(A)(iii) (20 U.S.C.*
 18 *1015(a)(3)(A)(iii)) is amended—*

19 *(A) by striking “an undergraduate” and in-*
 20 *serting “a full-time undergraduate”; and*

21 *(B) in subclause (I), by striking “section*
 22 *428(a)(2)(C)(i)” and inserting “section*
 23 *428(a)(2)(C)(ii)”.*

1 (6) *Section 131(b) is amended by striking “the*
 2 *costs for typical” and inserting “the prices for, and*
 3 *financial aid provided to, typical”.*

4 (7) *Section 131(c)(2)(B) is amended by striking*
 5 *“costs” and inserting “prices”.*

6 (8) *Section 131(d)(1) is amended by striking “3*
 7 *years” and inserting “4 years”.*

8 (9) *Section 141 (20 U.S.C. 1018) is amended—*

9 (A) *in subsection (a)(2)(B), by inserting*
 10 *“total and unit” after “to reduce the”;*

11 (B) *in subsection (c)—*

12 (i) *in paragraph (1)(A), by striking*
 13 *“Each year” and inserting “Each fiscal*
 14 *year”;*

15 (ii) *in paragraph (1)(B), by inserting*
 16 *“guaranty agencies,” after “lenders,”; and*

17 (iii) *in paragraph (2)—*

18 (I) *in subparagraph (A), by strik-*
 19 *ing “expenditures” and inserting “ad-*
 20 *ministrative expenditures for the most*
 21 *recent fiscal year”; and*

22 (II) *in subparagraph (B), by*
 23 *striking “Chief Financial Officer Act*
 24 *of 1990 and” and inserting “Chief Fi-*
 25 *nancial Officers Act of 1990,” and by*

1 *inserting before the period at the end*
 2 *the following: “, and other relevant leg-*
 3 *islation”;*

4 *(C) in subsection (f)(3)(A), by striking*
 5 *“paragraph (1)(A)” and inserting “paragraph*
 6 *(1)”;* and

7 *(D) in subsection (g)(3), by adding at the*
 8 *end the following new sentence: “The names and*
 9 *compensation for those individuals shall be in-*
 10 *cluded in the annual report under subsection*
 11 *(c)(2).”.*

12 *(b) AMENDMENTS TO TITLE III.—*

13 *(1) Subsection (g) of section 324 (20 U.S.C.*
 14 *1063(g)) is amended to read as follows:*

15 *“(g) SPECIAL RULE FOR CERTAIN DISTRICT OF CO-*
 16 *LUMBIA ELIGIBLE INSTITUTIONS.—*

17 *“(1) HOWARD UNIVERSITY.—In any fiscal year*
 18 *that the Secretary determines that Howard Univer-*
 19 *sity will receive an allotment under subsections (b)*
 20 *and (c) which is not in excess of amounts received for*
 21 *such fiscal year by Howard University under the Act*
 22 *of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123), relat-*
 23 *ing to the annual appropriations for Howard Univer-*
 24 *sity, then Howard University shall be ineligible to re-*
 25 *ceive an allotment under this section.*

1 “(2) *UNIVERSITY OF THE DISTRICT OF COLUM-*
 2 *BIA.—In any fiscal year, the University of the Dis-*
 3 *trict of Columbia may receive financial assistance*
 4 *under this part, or under section 4(c) of the District*
 5 *of Columbia College Access Act of 1999 (P.L. 106–98),*
 6 *but not under both this part and such section.”.*

7 (2) *Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is*
 8 *amended, in the matter preceding subparagraph (A),*
 9 *by inserting a colon after “the following”.*

10 (3) *Section 342(5)(C) (20 U.S.C. 1066a(5)(C)) is*
 11 *amended—*

12 (A) *by inserting a comma after “equip-*
 13 *ment” the first place it appears; and*

14 (B) *by striking “technology,,” and inserting*
 15 *“technology,”.*

16 (4) *Section 343(e) (20 U.S.C. 1066b(e)) is*
 17 *amended by inserting after the subsection designation*
 18 *the following: “SALE OF QUALIFIED*
 19 *BONDS.—”.*

20 (5) *Section 1024 (20 U.S.C. 1135b–3), as trans-*
 21 *ferred by section 301(a)(5) of the Higher Education*
 22 *Amendments of 1998 (Public Law 105–244; 112 Stat.*
 23 *636), is repealed.*

24 (c) *AMENDMENTS TO PART A OF TITLE IV.—*

1 (1) *Section 402D (20 U.S.C. 1070a–14) is*
2 *amended—*

3 *(A) by redesignating subsection (c) as sub-*
4 *section (d); and*

5 *(B) by inserting after subsection (b) the fol-*
6 *lowing new subsection:*

7 “(c) *SPECIAL RULE.—*

8 “(1) *USE FOR STUDENT AID.—A recipient of a*
9 *grant that undertakes any of the permissible services*
10 *identified in subsection (b) may, in addition, use such*
11 *funds to provide grant aid to students if the recipient*
12 *demonstrates in its application, to the satisfaction of*
13 *the Secretary, that the size of the grants the recipient*
14 *will provide to students is appropriate and likely to*
15 *have a significant impact on retention at that insti-*
16 *tution. In making grants to students under this sub-*
17 *section, an institution shall ensure that adequate con-*
18 *sultation takes place between the student support serv-*
19 *ice program office and the institution’s financial aid*
20 *office.*

21 “(2) *ELIGIBLE STUDENTS.—For purposes of re-*
22 *ceiving grant aid under this subsection, eligible stu-*
23 *dents shall be current participants in the student sup-*
24 *port services program offered by the institution and*
25 *be—*

1 “(A) *students who are in their first 2 years*
2 *of postsecondary education and who are receiv-*
3 *ing Federal Pell Grants under subpart 1; or*

4 “(B) *students who have completed their first*
5 *2 years of postsecondary education and who are*
6 *receiving Federal Pell Grants under subpart 1 if*
7 *the institution demonstrates to the satisfaction of*
8 *the Secretary that—*

9 “(i) *these students are at high risk of*
10 *dropping out; and*

11 “(ii) *it will first meet the needs of all*
12 *its eligible first- and second-year students*
13 *for services under this paragraph.*

14 “(3) *DETERMINATION OF NEED.—A grant pro-*
15 *vided to a student under paragraph (1) shall not be*
16 *considered in determining that student’s need for*
17 *grant or work assistance under this title, except that*
18 *in no case shall the total amount of student financial*
19 *assistance awarded to a student under this title exceed*
20 *that student’s cost of attendance, as defined in section*
21 *472.*

22 “(4) *MATCHING REQUIRED.—A recipient of a*
23 *grant who uses such funds for the purpose described*
24 *in paragraph (1) shall match the funds used for such*
25 *purpose, in cash, from non-Federal funds, in an*

1 *amount that is not less than 33 percent of the total*
2 *amount of funds used for that purpose. This para-*
3 *graph shall not apply to any grant recipient that is*
4 *an institution of higher education eligible to receive*
5 *funds under part A or B of title III or title V.*

6 *“(5) RESERVATION.—For any fiscal year after*
7 *the date of enactment of the Higher Education Tech-*
8 *nical Amendments of 2000, the Secretary may reserve*
9 *not more than 20 percent of the funds available under*
10 *this section for grant aid in accordance with this sub-*
11 *section.”.*

12 *(2)(A) Section 404A(b) (20 U.S.C. 1070a–21(b))*
13 *is amended by adding at the end thereof the following*
14 *new paragraph:*

15 *“(3) DURATION.—An award made by the Sec-*
16 *retary under this chapter to an eligible entity de-*
17 *scribed in paragraph (1) or (2) of subsection (c) shall*
18 *be for a period of 6 years.”.*

19 *(B) The amendment made by subparagraph (A)*
20 *shall be effective for awards made for fiscal year 2000*
21 *and succeeding fiscal years, except that the Secretary*
22 *shall permit recipients of 5-year grants made for fis-*
23 *cal year 1999 to amend their applications to include*
24 *a 6-year project period.*

1 (3) *Section 415A(a)(2) (20 U.S.C. 1070c(a)(2))*
 2 *is amended by striking “section 415F” and inserting*
 3 *“section 415E”.*

4 (4) *Section 415E(c) (20 U.S.C. 1070c–3a(c)) is*
 5 *amended to read as follows:*

6 “(c) *AUTHORIZED ACTIVITIES.—Each State receiving*
 7 *a grant under this section may use the grant funds for—*

8 *“(1) making awards that—*

9 *“(A) supplement grants received under sec-*
 10 *tion 415A by eligible students who demonstrate*
 11 *financial need; or*

12 *“(B) provide grants under section 415A to*
 13 *additional eligible students who demonstrate fi-*
 14 *nancial need;*

15 *“(2) providing scholarships for eligible*
 16 *students—*

17 *“(A) who demonstrate financial need; and*

18 *“(B) who—*

19 *“(i) desire to enter a program of study*
 20 *leading to a career in—*

21 *“(I) information technology;*

22 *“(II) mathematics, computer*
 23 *science, or engineering; or*

1 “(III) another field determined by
2 the State to be critical to the State’s
3 workforce needs; or

4 “(ii) demonstrate merit or academic
5 achievement and desire; and

6 “(3) making awards that—

7 “(A) supplement community service work-
8 study awards received under section 415A by eli-
9 gible students who demonstrate financial need; or

10 “(B) provide community service work-study
11 awards under section 415A to additional eligible
12 students who demonstrate financial need.”.

13 (5) Section 415E (20 U.S.C. 1070c–3a) is
14 amended by adding at the end the following:

15 “(f) *SPECIAL RULE.*—Notwithstanding subsection (d),
16 for purposes of determining a State’s share of the cost of
17 the authorized activities described in subsection (c)—

18 “(1) in the case of a State that participates in
19 the program authorized under this section in fiscal
20 year 2000—

21 “(A) if such State participates in the pro-
22 gram in fiscal year 2001, for that year the State
23 shall consider only those expenditures from non-
24 Federal sources that exceed its expenditures for

1 *activities authorized under this subpart for fiscal*
2 *year 1999; or*

3 *“(B) if such State does not participate in*
4 *the program in fiscal year 2001, but participates*
5 *in the program in a succeeding fiscal year, for*
6 *the first fiscal year after fiscal year 2001 in*
7 *which the State participates in the program, the*
8 *State shall consider only those expenditures from*
9 *non-Federal sources that exceed its expenditures*
10 *for activities authorized under this subpart for*
11 *the preceding fiscal year, or fiscal year 1999,*
12 *whichever is greater; and*

13 *“(2) in the case of a State that participates in*
14 *the program authorized under this section for the first*
15 *time after fiscal year 2000, for the first fiscal year in*
16 *which the State participates in the program, the*
17 *State shall consider only those expenditures from non-*
18 *Federal sources that exceed its expenditures for activi-*
19 *ties authorized under this subpart for the preceding*
20 *fiscal year.*

21 *“(g) USE OF FUNDS FOR ADMINISTRATIVE COSTS*
22 *PROHIBITED.—A State receiving a grant under this section*
23 *shall not use any of the grant funds to pay administrative*
24 *costs associated with any of the authorized activities de-*
25 *scribed in subsection (c).”.*

1 (6) *Section 419C(b)(1) (20 U.S.C. 1070d–*
 2 *33(b)(1)) is amended by inserting “and” after the*
 3 *semicolon at the end thereof.*

4 (7) *Section 419D(d) (20 U.S.C. 1070d–34(d)) is*
 5 *amended by striking “Public Law 95–1134” and in-*
 6 *serting “Public Law 95–134”.*

7 (d) *AMENDMENTS TO PART B OF TITLE IV.—*

8 (1) *Section 425(a)(1)(A)(i)(II) (20 U.S.C.*
 9 *1075(a)(1)(A)(i)(II)) is amended to read as follows:*

10 *“(II) if such student is enrolled in a*
 11 *program of undergraduate education that is*
 12 *less than 1 academic year, the maximum*
 13 *annual loan amount that such student may*
 14 *receive may not exceed the lesser of—*

15 *“(aa) the amount that bears the*
 16 *same ratio to the amount specified in*
 17 *subclause (I) as the length of such pro-*
 18 *gram measured in semester, trimester,*
 19 *quarter, or clock hours bears to 1 aca-*
 20 *demic year; or*

21 *“(bb) the amount that bears the*
 22 *same ratio to the amount specified in*
 23 *subclause (I) as the length of such pro-*
 24 *gram measured in weeks of instruction*
 25 *bears to 1 academic year;”.*

1 (2) Section 428(a)(2)(A) (20 U.S.C.
2 1078(a)(2)(A)(i)) is amended—

3 (A) by striking “and” at the end of sub-
4 clause (II) of clause (i); and

5 (B) by moving the margin of clause (iii)
6 two ems to the left.

7 (3) Section 428(b)(1) is amended—

8 (A) in subparagraph (A)(i), by striking
9 subclause (II) and inserting the following:

10 “(II) if such student is enrolled in
11 a program of undergraduate education
12 that is less than 1 academic year, the
13 maximum annual loan amount that
14 such student may receive may not ex-
15 ceed the lesser of—

16 “(aa) the amount that bears
17 the same ratio to the amount
18 specified in subclause (I) as the
19 length of such program measured
20 in semester, trimester, quarter, or
21 clock hours bears to 1 academic
22 year; or

23 “(bb) the amount that bears
24 the same ratio to the amount
25 specified in subclause (I) as the

1 *length of such program measured*
 2 *in weeks of instruction bears to 1*
 3 *academic year;”*; and

4 (B) in subparagraph (Y)(i), by striking
 5 “subparagraph (M)(i)” and inserting “subpara-
 6 graph (M)(i)(I)”.

7 (4) Section 428(c)(3)(B) (20 U.S.C.
 8 1078(c)(3)(B)) is amended by inserting before the
 9 semicolon at the end the following: “and recorded in
 10 the borrower’s file, except that such regulations shall
 11 not require such agreements to be in writing”.

12 (5) Section 428C(a)(3)(B) (20 U.S.C. 1078–
 13 3(a)(3)(B)) is amended by adding at the end the fol-
 14 lowing new clause:

15 “(ii) Loans made under this section shall, to the
 16 extent used to discharge loans made under this title,
 17 be counted against the applicable limitations on ag-
 18 gregate indebtedness contained in section 425(a)(2),
 19 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).”.

20 (6) Section 428H(d)(2)(A)(ii) (20 U.S.C. 1078–
 21 8(d)(2)(A)(ii)) is amended to read as follows:

22 “(ii) if such student is enrolled in a
 23 program of undergraduate education that is
 24 less than 1 academic year, the maximum

1 *annual loan amount that such student may*
 2 *receive may not exceed the lesser of—*

3 *“(I) the amount that bears the*
 4 *same ratio to the amount specified in*
 5 *clause (i) as the length of such pro-*
 6 *gram measured in semester, trimester,*
 7 *quarter, or clock hours bears to 1 aca-*
 8 *demic year; or*

9 *“(II) the amount that bears the*
 10 *same ratio to the amount specified in*
 11 *subclause (I) as the length of such pro-*
 12 *gram measured in weeks of instruction*
 13 *bears to 1 academic year;”.*

14 *(7) Section 428H(e) is amended—*

15 *(A) by striking paragraph (6); and*

16 *(B) by redesignating paragraph (7) as*
 17 *paragraph (6).*

18 *(8) Section 432(m)(1) (20 U.S.C. 1082(m)(1)) is*
 19 *amended—*

20 *(A) in subparagraph (B)—*

21 *(i) in clause (i), by inserting “and”*
 22 *after the semicolon at the end; and*

23 *(ii) in clause (ii), by striking “; and”*
 24 *and inserting a period;*

1 (B) by striking clause (iv) of subparagraph
2 (D); and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(E) *PERFECTION OF SECURITY INTERESTS*
6 *IN STUDENT LOANS.*—

7 “(i) *IN GENERAL.*—Notwithstanding
8 the provisions of any State law to the con-
9 trary, including the Uniform Commercial
10 Code as in effect in any State, a security
11 interest in loans made under this part, on
12 behalf of any eligible lender (as defined in
13 section 435(d)) shall attach, be perfected,
14 and be assigned priority in the manner pro-
15 vided by the applicable State’s law for per-
16 fection of security interests in accounts, as
17 such law may be amended from time to
18 time (including applicable transition provi-
19 sions). If any such State’s law provides for
20 a statutory lien to be created in such loans,
21 such statutory lien may be created by the
22 entity or entities governed by such State
23 law in accordance with the applicable statu-
24 tory provisions that created such a statu-
25 tory lien.

1 “(ii) *COLLATERAL DESCRIPTION.*—In
2 *addition to any other method for describing*
3 *collateral in a legally sufficient manner*
4 *permitted under the laws of the State, the*
5 *description of collateral in any financing*
6 *statement filed pursuant to this section*
7 *shall be deemed legally sufficient if it lists*
8 *such loans, or refers to records (identifying*
9 *such loans) retained by the secured party or*
10 *any designee of the secured party identified*
11 *in such financing statement, including the*
12 *debtor or any loan servicer.*

13 “(iii) *SALES.*—Notwithstanding
14 *clauses (i) and (ii) and any provisions of*
15 *any State law to the contrary, other than*
16 *any such State’s law providing for creation*
17 *of a statutory lien, an outright sale of loans*
18 *made under this part shall be effective and*
19 *perfected automatically upon attachment as*
20 *defined in the Uniform Commercial Code of*
21 *such State.”.*

22 (9) *Section 435(a)(5) (20 U.S.C. 1085(a)(5)) is*
23 *amended—*

1 (A) in subparagraph (A)(i), by striking
 2 “July 1, 2002,” and inserting “July 1, 2004,”;
 3 and

4 (B) in subparagraph (B), by striking
 5 “1999, 2000, and 2001” and inserting “1999
 6 through 2003”.

7 (10) Subparagraphs (A) and (F) of section
 8 438(b)(2) (20 U.S.C. 1087–1(b)(2)) are each amended
 9 by striking the last sentence.

10 (11) Section 439(d) (20 U.S.C. 1087–2(d)) is
 11 amended by striking paragraph (3).

12 (e) AMENDMENT TO PART C OF TITLE IV.—Section
 13 443(b)(2)(B) (42 U.S.C. 2753(b)(2)(B)) is amended by in-
 14 serting “(including a reasonable amount of time spent in
 15 travel or training directly related to such community serv-
 16 ice)” after “community service”.

17 (f) AMENDMENT TO PART D OF TITLE IV.—Paragraph
 18 (6) of section 455(b) (20 U.S.C. 1087e(b)), as redesignated
 19 by section 8301(c)(1) of the Transportation Equity for the
 20 21st Century Act (112 Stat. 498) is redesignated as para-
 21 graph (8), and is moved to follow paragraph (7) as added
 22 by 452(b) of the Higher Education Amendments of 1998
 23 (112 Stat. 1716).

24 (g) AMENDMENTS TO PART E OF TITLE IV.—

1 (1) Section 462(g)(1)(E)(i)(I) (20 U.S.C.
2 1087bb(g)(1)(E)(i)(I)) is amended by inserting
3 “monthly” after “consecutive”.

4 (2) Section 464(c)(1)(D) (20 U.S.C.
5 1087dd(c)(1)(D)) is amended by redesignating sub-
6 clauses (I) and (II) as clauses (i) and (ii), respec-
7 tively.

8 (3) Section 464(c)(2)(A)(iv) is amended by in-
9 serting before the semicolon at the end the following:
10 “, except that interest shall continue to accrue on such
11 loans and such interest shall be eligible for cancella-
12 tion under section 465”.

13 (4) Section 464(h) is amended—

14 (A) in paragraph (1)(A)—

15 (i) by inserting “, and the loan default
16 has not been reduced to a judgment against
17 the borrower,” after “defaulted on the loan”;
18 and

19 (ii) by inserting after “held by the Sec-
20 retary,” the following: “or if the borrower of
21 a loan under this part who has defaulted on
22 the loan elects to make a single payment
23 equal to the full amount of principal and
24 interest and collection costs owed on the
25 loan,”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(3) *SPECIAL RULE.*—At the discretion of the in-
4 stitution or the Secretary, for the purpose of receiving
5 the benefits of this subsection, a loan that is in default
6 and reduced to judgment may be considered rehabili-
7 tated if—

8 “(A) the borrower makes 12 on-time, con-
9 secutive, monthly payments of amounts owed on
10 the loan, as determined by the institution, or by
11 the Secretary in the case of a loan held by the
12 Secretary; or

13 “(B) the borrower makes a single payment
14 equal to the full amount of principal and inter-
15 est and collection costs owed on the loan.”.

16 (5)(A) Section 465(a)(2) (20 U.S.C.
17 1087ee(a)(2)) is amended—

18 (i) in subparagraph (A), by striking “sec-
19 tion 111(c)” and inserting “section 1113(a)(5)”;

20 (ii) in subparagraph (C), by striking “With
21 Disabilities” and inserting “with Disabilities”;
22 and

23 (iii) in subparagraph (F), by inserting be-
24 fore the semicolon at the end the following: “, in-
25 cluding full-time prosecutors and public defend-

1 ers earning \$30,000 or less in adjusted gross in-
2 come”.

3 (B) The amendment made by subparagraph
4 (A)(iii) shall be effective on the date of enactment of
5 this Act, except that such amendment shall not pre-
6 vent any borrower who, prior to the date of enactment
7 of this Act, was receiving cancellation of indebtedness
8 under section 465(a)(2)(F) of the Higher Education
9 Act of 1965 from continuing to receive such cancella-
10 tion.

11 (6) Section 467(b) (20 U.S.C. 1087gg(b)) is
12 amended by striking “(5)(A), (5)(B)(i), or (6)” and
13 inserting “(4)(A), (4)(B), or (5)”.

14 (7) Section 469(c) (20 U.S.C. 1087ii(c)) is
15 amended—

16 (A) by striking “sections 602(a)(1) and
17 672(1)” and inserting “sections 602(3) and
18 632(5)”;

19 (B) by striking “qualified professional pro-
20 vider of early intervention services” and insert-
21 ing “early intervention services”; and

22 (C) by striking “section 672(2)” and insert-
23 ing “section 632(4)”.

24 (h) AMENDMENTS TO PART F OF TITLE IV.—

1 (1) *Section 471 (20 U.S.C. 1087kk) is amended*
2 *by striking “subparts 1 or 2” and inserting “subpart*
3 *1, 2, or 4”.*

4 (2) *Section 478 (20 U.S.C. 1087rr) is*
5 *amended—*

6 *(A) in subsection (b)(1)—*

7 *(i) by striking “academic year 1993–*
8 *1994” and inserting “academic year 2000–*
9 *2001”; and*

10 *(ii) by striking “December 1992” and*
11 *inserting “December 1999”; and*

12 *(B) in subsection (h)—*

13 *(i) by striking “476(b)(4)(B),”; and*

14 *(ii) by striking “meals away from*
15 *home, apparel and upkeep, transportation,*
16 *and housekeeping services” and inserting*
17 *“food away from home, apparel, transpor-*
18 *tation, and household furnishings and oper-*
19 *ations”.*

20 (3)(A) *Section 479A(a) (20 U.S.C. 1087tt(a)) is*
21 *amended by inserting “a student’s status as a ward*
22 *of the court at any time prior to attaining 18 years*
23 *of age,” after “487,”.*

1 (B) *The amendment made by subparagraph (A)*
 2 *shall be effective for academic years beginning on or*
 3 *after July 1, 2001.*

4 (i) *AMENDMENTS TO PARTS G AND H OF TITLE IV.—*

5 (1) *Section 482(a) (20 U.S.C. 1089(a)) is*
 6 *amended by adding at the end the following new*
 7 *paragraph:*

8 “(5) *The Secretary shall provide a period for*
 9 *public comment of not less than 45 days after publi-*
 10 *cation of any notice of proposed rulemaking published*
 11 *after the date of the enactment of the Higher Edu-*
 12 *cation Technical Amendments of 2000 affecting pro-*
 13 *grams under this title.”.*

14 (2) *Section 483(d) (20 U.S.C. 1090(d)) is*
 15 *amended by striking “that is authorized under section*
 16 *685(d)(2)(C)” and inserting “, or other appropriate*
 17 *provider of technical assistance and information on*
 18 *postsecondary educational services, that is supported*
 19 *under section 685”.*

20 (3) *Section 484 (20 U.S.C. 1091) is amended—*

21 (A) *in subsection (a)(4), by striking “cer-*
 22 *tification,,” and inserting “certification,”;*

23 (B) *in subsection (b)(2)—*

1 (i) in the matter preceding subpara-
 2 graph (A), by striking “section 428A” and
 3 inserting “section 428H”;

4 (ii) in subparagraph (A), by inserting
 5 “and” after the semicolon at the end thereof;

6 (iii) in subparagraph (B), by striking
 7 “; and” and inserting a period; and

8 (iv) by striking subparagraph (C);

9 (C) in subsection (d)(3), by inserting “cer-
 10 tifies that he or she” after “The student”; and

11 (D) in subsection (l)(1)(B)(i), by striking
 12 “section 521(4)(C) of the Carl D. Perkins Voca-
 13 tional and Applied Technology Education Act”
 14 and inserting “section 3(3)(C) of the Carl D.
 15 Perkins Vocational and Technical Education Act
 16 of 1998”.

17 (4)(A) Section 484(r)(1) is amended by inserting
 18 after “controlled substance” the following: “during
 19 any period of enrollment for which the student was
 20 receiving assistance under this title”.

21 (B) Section 484(r) is further amended—

22 (i) by redesignating paragraph (3) as para-
 23 graph (5); and

24 (ii) by inserting after paragraph (2) the fol-
 25 lowing new paragraphs:

1 “(3) *CONSEQUENCES OF FAILURE TO ANSWER.*—
 2 *Any student who fails to answer a question of the*
 3 *common financial aid form developed under section*
 4 *483 that relates to eligibility or ineligibility under*
 5 *this subsection shall be treated as ineligible until such*
 6 *question is answered.*

7 “(4) *NOTICE.*—*The Secretary shall require each*
 8 *institution of higher education to provide each stu-*
 9 *dent upon enrollment with a separate, clear, and con-*
 10 *spicuous written notice that advises students of the*
 11 *penalties contained in this subsection.”.*

12 *(C) The amendments made by this paragraph*
 13 *shall be effective for academic years beginning on or*
 14 *after July 1, 2001.*

15 *(5)(A) Section 484B (20 U.S.C. 1091b) is*
 16 *amended—*

17 *(i) in subsection (a)(1), by inserting “sub-*
 18 *part 4 of part A or” after “received under”;*

19 *(ii) in subsection (a)(3)(B)(ii) by inserting*
 20 *“(as determined in accordance with subsection*
 21 *(d))” after “student has completed”; and*

22 *(iii) in subsection (b)(2)—*

23 *(I) in subparagraph (B)(ii), by strik-*
 24 *ing “subject to—” through to the end of*
 25 *such subparagraph and inserting “subject to*

1 the procedures described in subparagraph
2 (C)(ii).”; and

3 (II) by amending subparagraph (C) to
4 read as follows:

5 “(C) GRANT OVERPAYMENT REQUIRE-
6 MENTS.—(i) Notwithstanding subparagraphs (A)
7 and (B), but subject to clause (ii), a student
8 shall not be required to return 50 percent of the
9 total grant assistance received by a student
10 under this title for a payment period or period
11 of enrollment. A student shall not be required to
12 return amounts of less than \$50.

13 “(ii) Subject to clause (iii), a student shall
14 be permitted to repay any grant overpayment
15 determined under this section under terms that
16 permit the student to maintain his or her eligi-
17 bility for further assistance under this title, in-
18 cluding a period during which no payment is
19 due from the student—

20 “(I) for 6 months, beginning on the
21 day the student withdrew; and

22 “(II) while the student is pursuing at
23 least a half-time course of study, as deter-
24 mined by the institution.

1 “(iii) Clause (ii) shall not apply to a stu-
 2 dent who is in default on any repayment obliga-
 3 tions under this title, or who has not made satis-
 4 factory repayment arrangements with respect to
 5 such obligations.”.

6 (B) The amendments made by subparagraph (A)
 7 shall be effective for the academic year beginning July
 8 1, 2001, except that, in the case of an institution of
 9 higher education that chooses to implement such
 10 amendments prior to that date, such amendments
 11 shall be effective on the date of such institution’s im-
 12 plementation.

13 (6) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is
 14 amended by striking “mailings, and” and inserting
 15 “mailings, or”.

16 (7)(A) Section 485(f)(1) (20 U.S.C. 1092(f)(1))
 17 is amended by adding at the end the following new
 18 subparagraphs:

19 “(I) A statement of policy concerning the han-
 20 dling of reports on missing students, including—

21 “(i) the policy with respect to notification
 22 of parents, guardians, and local police agencies
 23 and timing of such notification; and

24 “(ii) the institution’s policy for inves-
 25 tigating reports on missing students and for co-

1 *operating with local police agencies in the inves-*
2 *tigation of a report of a missing student.*

3 “(J) *A statement of policy regarding the avail-*
4 *ability of information, provided by the State to the*
5 *institution pursuant to section 170101 of the Violent*
6 *Crime Control and Law Enforcement Act of 1994 (42*
7 *U.S.C. 14071), regarding sexually violent predators*
8 *required to register under such section. Such state-*
9 *ment shall include, at a minimum, the following:*

10 “(i) *An assurance that the institution shall*
11 *make available to the campus community,*
12 *through its law enforcement unit or other office,*
13 *all such information concerning any person en-*
14 *rolled or employed at the institution.*

15 “(ii) *The means by which students and em-*
16 *ployees obtain access to such information.*

17 “(iii) *The frequency at which such informa-*
18 *tion is updated.*

19 “(iv) *The type of information to be made*
20 *available.*

21 “(K) *A description of campus fire safety prac-*
22 *tices and standards, including—*

23 “(i) *information with respect to each cam-*
24 *pus residence hall and whether or not such hall*

1 *is equipped with a fire sprinkler system or other*
 2 *fire safety system;*

3 *“(ii) statistics concerning the occurrence on*
 4 *campus of fires and false alarms in residence*
 5 *halls, including information on deaths, injuries,*
 6 *and structural damage caused by such occur-*
 7 *rences, if any, during the 2 preceding calendar*
 8 *years for which such data are available; and*

9 *“(iii) information regarding fire alarms,*
 10 *smoke alarms, fire escape planning or protocols*
 11 *(as defined in local fire codes), rules on portable*
 12 *electrical appliances, smoking and open flames,*
 13 *regular mandatory supervised fire drills, and*
 14 *any planned improvements in fire safety.”.*

15 *(B) The amendment made by this paragraph*
 16 *shall be effective for academic years beginning on or*
 17 *after July 1, 2001.*

18 *(8) Section 485(f) is further amended—*

19 *(A) in paragraph (3), by inserting after the*
 20 *first sentence the following: “In addition, each*
 21 *such institution shall make periodic reports to*
 22 *the campus community regarding fires and false*
 23 *fire alarms that are reported to a local fire de-*
 24 *partment.”;*

25 *(B) in paragraph (5)—*

1 (i) by striking “paragraph (1)(F)” and
2 inserting “subparagraphs (F) and (J) of
3 paragraph (1)”;

4 (ii) by striking “and” at the end of
5 subparagraph (B);

6 (iii) in subparagraph (C), by striking
7 “education, identify” and all that follows
8 through the end and inserting the following:
9 “education, identify—

10 “(i) exemplary campus security policies,
11 procedures, and practices and disseminate infor-
12 mation concerning those policies, procedures, and
13 practices that have proven effective in the reduc-
14 tion of campus crime; and

15 “(ii) fire safety policies, procedures, and
16 practices and disseminate information con-
17 cerning those policies procedures and practices
18 that have proven effective in the reduction of
19 fires on campus; and”; and

20 (iv) by adding at the end the following:

21 “(D) not later than July 1, 2002, prepare and
22 submit a report to Congress containing—

23 “(i) an analysis of the current status of fire
24 safety systems in college and university facilities,
25 including sprinkler systems;

1 “(ii) an analysis of the appropriate fire
 2 safety standards to apply to these facilities,
 3 which the Secretary shall prepare after consulta-
 4 tion with such fire safety experts, representatives
 5 of institutions of higher education, and Federal
 6 agencies as the Secretary, in the Secretary’s dis-
 7 cretion, considers appropriate;

8 “(iii) an estimate of the cost of bringing all
 9 nonconforming residence halls and other campus
 10 buildings into compliance with appropriate
 11 building codes; and

12 “(iv) recommendations concerning the best
 13 means of meeting fire safety standards in all col-
 14 lege facilities, including recommendations for
 15 methods of funding such costs.”.

16 (9) Section 485 is further amended by adding at
 17 the end the following new subsection:

18 “(h) *NEW OR REVISED REQUIREMENTS.*—For any
 19 new requirement for institutional disclosure or reporting
 20 under this Act enacted after April 1, 2000, the period for
 21 which data must be collected shall begin no sooner than 180
 22 days after the publication of final regulations or guidance.
 23 The final regulations or guidance shall include any re-
 24 quired data elements or method of collection (or both). The
 25 Secretary shall take reasonable and appropriate steps to en-

1 *sure that institutions have adequate time to collect and pre-*
 2 *pare the required data before public disclosure or submis-*
 3 *sion to the Secretary.”.*

4 (10) Section 485B(a) (20 U.S.C. 1092b(a)) is
 5 amended—

6 (A) by redesignating the paragraphs fol-
 7 lowing paragraph (5) (as added by section 2008
 8 of Public Law 101–239) as paragraphs (6)
 9 through (11), respectively; and

10 (B) in such paragraph (5)—

11 (i) by striking “(22 U.S.C. 2501 et
 12 seq.),” and inserting “(22 U.S.C. 2501 et
 13 seq.),”; and

14 (ii) by striking the period at the end
 15 thereof and inserting a semicolon.

16 (11) Section 487(a)(22) (20 U.S.C. 1094(a)(22))
 17 is amended by striking “refund policy” and inserting
 18 “refund of title IV funds policy”.

19 (12) Section 491(c) (20 U.S.C. 1098(c)) is
 20 amended by adding at the end the following new
 21 paragraph:

22 “(3) The appointment of members under subpara-
 23 graphs (A) and (B) of paragraph (1) shall be effective upon
 24 publication of the appointment in the Congressional
 25 Record.”.

1 (13) Section 498 (20 U.S.C. 1099c) is
2 *amended—*

3 (A) in subsection (b)(5), by striking “*insti-*
4 *tution,*” and inserting “*institution (but subject*
5 *to the requirements of section 484(b)),*”;

6 (B) in subsection (c)(2), by striking “*for*
7 *profit,*” and inserting “*for-profit,*”; and

8 (C) in subsection (d)(1)(B), by inserting
9 “*and*” at the end thereof.

10 (j) *AMENDMENTS TO TITLE V.—*

11 (1) Section 504(a) (20 U.S.C. 1101c(a)) is
12 *amended—*

13 (A) by striking “(1) *IN GENERAL.—*”; and

14 (B) by striking paragraph (2).

15 (2) *The amendments made by this subsection*
16 *shall be effective on the date of enactment of this Act.*

17 (k) *AMENDMENT TO TITLE VI.—*Section 604(c) (20
18 U.S.C. 1124(c)) is amended by striking “*this part*” and in-
19 serting “*this title*”.

20 (l) *AMENDMENTS TO TITLE VII.—*

21 (1) Section 701(a) (20 U.S.C. 1134(a)) is
22 *amended by striking the third sentence and inserting*
23 *the following: “Funds appropriated for a fiscal year*
24 *shall be obligated and expended for fellowships under*

1 *this subpart for use in the academic year beginning*
2 *after July 1 of such fiscal year.”.*

3 (2) Section 714(c) (20 U.S.C. 1135c(c)) is
4 *amended—*

5 (A) by striking “section 716(a)” and insert-
6 *ing “section 715(a)”;* and

7 (B) by striking “section 714(b)(2)” and in-
8 *serting “section 713(b)(2)”.*

9 (m) *AMENDMENT TO TITLE VIII.—Section 857(a) of*
10 *the Higher Education Amendments of 1998 (112 Stat.*
11 *1824) is amended by striking “1999” and inserting “2001”.*

Union Calendar No. 371

106TH CONGRESS
2D SESSION

H. R. 4504

[Report No. 106-665]

A BILL

To make technical amendments to the Higher
Education Act of 1965.

JUNE 12, 2000

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed